

AN ACT

D.C. ACT 16-170

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 4, 2005*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Spring
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Publisher

To amend Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain real property located in the District of Columbia used by the Department of the Army.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Walter Reed Property Tax Exemption Reconfirmation Act of 2005".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

New
§ 47-1070

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-1070. Walter Reed military housing."

(b) A new section 47-1070 is added to read as follows:

"§ 47-1070. Walter Reed military housing.

"Certain real property, described as parcels 0319/2, 0319/3, and 0319/4, at the Walter Reed U.S. Army Medical Center, together with the improvements thereon and any future improvements constructed thereon, shall be exempt from all taxation, including ordinary and special taxes and use or possessory interest taxes, on real property or the use thereof, so long as the property is used for the purposes of housing military personnel or their families, as contemplated by 10 U.S.C. §§ 2871 through 2885, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009. The transfer of a leasehold or fee interest in the property, or the improvements thereon, from the United States of America, or any branch of the U.S. military; the recordation of any lease, deed, deed of trust, other security instrument, or financing used for the improvement or construction of military housing; and the transfer from any entity to the United States government, or any branch of the U.S. military, shall be exempt from all transfer and recordation taxes of or imposed by the District of Columbia."

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DISTRICT OF COLUMBIA REGISTER

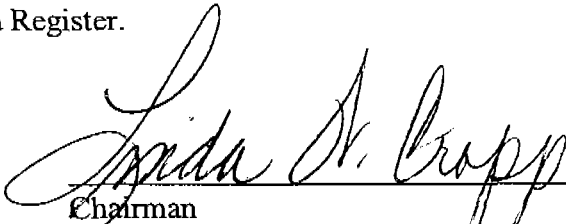
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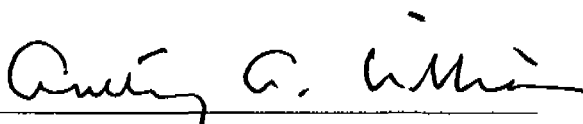
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
October 4, 2005

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-171

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 4, 2005

*Codification
District of
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Official Code*

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To amend Title 28 of the District of Columbia Official Code to establish excessive pricing of prescription drugs as a violation of District law, to establish penalties for the excessive pricing prohibition, and to provide that an aggrieved party may bring a cause of action in a court of competent jurisdiction.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Prescription Drug Excessive Pricing Act of 2005".

Sec. 2. Title 28 of the District of Columbia Official Code is amended as follows:

(a) Subtitle II of the table of contents of Title 28 is amended by adding a new chapter

45B to read as follows:

"45B. Excessive Pricing 28-4551." New Chapter
45B

(b) A new chapter 45B is added to read as follows:

"Chapter 45B

"Excessive Pricing.

"§ 28-4551. Findings.

"§ 28-4552. Definitions.

"§ 28-4553. Excessive pricing in sales of prescription drugs, a violation of law.

"§ 28-4554. Burden of proof, determination of excessive pricing.

"§ 28-4555. Judicial remedies.

"§ 28-4551. Findings.

"The Council of the District of Columbia finds that:

"(1) The excessive prices of prescription drugs in the District of Columbia is threatening the health and welfare of the residents of the District as well as the District government's ability to ensure that all residents receive the health care they need, and these excessive prices directly and indirectly cause economic harm to the District and damage the health and safety of its residents;

"(2) The traditional police powers of the District of Columbia include protecting and promoting the health, safety, and welfare of its residents, regulating monopoly pricing of goods and services, and regulating to assure consumer protection and to prevent and sanction unfair trade practices; and

"(3) To promote the health, safety, and welfare of its residents, it is incumbent on the government of the District of Columbia to take action to restrain the excessive prices of prescription drugs through mechanisms that are consistent with District and federal law, including the Constitution.

"28-4552. Definitions.

"For the purposes of this chapter, the term:

New
§ 28-4551

New
§ 28-4552

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"(1) "Affected party" means any person directly or indirectly affected by excessive prices of patented prescription drugs, including any organization representing such persons or any person or organization representing the public interest.

"(2) "High income country" means the United Kingdom, Germany, Canada, or Australia.

"§ 28-4553. Excessive pricing in sales of prescription drugs, a violation of law.

New
§ 28-4553

"It shall be unlawful for any drug manufacturer or licensee thereof, excluding a point of sale retail seller, to sell or supply for sale or impose minimum resale requirements for a patented prescription drug that results in the prescription drug being sold in the District for an excessive price.

"§ 28-4554. Burden of proof; determination of excessive pricing.

New
§ 28-4554

"(a) A prima facie case of excessive pricing shall be established where the wholesale price of a patented prescription drug in the District is over 30% higher than the comparable price in any high income country in which the product is protected by patents or other exclusive marketing rights.

"(b) Where a prima facie case of excessive pricing is shown, the burdens of providing evidence and of proving by a preponderance of the evidence shall shift to the defendant to show that a given prescription drug is not excessively priced given demonstrated costs of invention, development and production of the prescription drug, global sales and profits to date, consideration of any government funded research that supported the development of the drug, and the impact of price on access to the prescription drug by residents and the government of the District of Columbia.

"§ 28-4555. Judicial remedies.

New
§ 28-4555

"(a) Any affected party, including the District of Columbia, shall have standing to file a civil suit in a court of competent jurisdiction for a violation of this chapter and to seek a remedy, including declaratory and injunctive relief. If the District of Columbia is the plaintiff, it may seek remedies on its own behalf, on behalf of all residents of the District of Columbia, or both.

"(b) If a judge of a court of competent jurisdiction finds that there has been excessive pricing in a suit filed by an affected party, the judge shall levy the appropriate civil penalties and may order, if supported by the evidence:

"(1) Temporary, preliminary, or permanent injunctions to enjoin the sales of prescription drugs in the District at excessive prices;

"(2) Appropriate fines for each violation;

"(3) Damages, including treble damages;

"(4) Reasonable attorney's fees;

"(5) The cost of litigation; or

"(6) Any other relief the court deems proper."

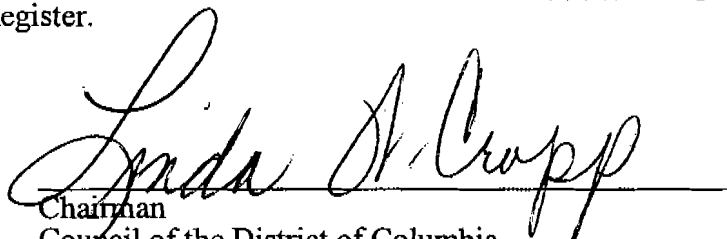
Sec. 3. Fiscal impact statement.

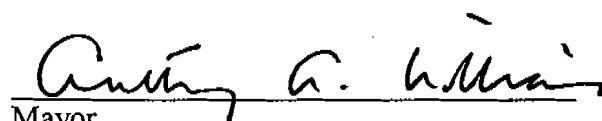
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
October 4, 2005

AN ACT

D.C. ACT 16-172IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 4, 2005*Codification
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2005 Spring
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Publisher

To amend, on a temporary basis, Chapter 46 of Title 47 of the District of Columbia Official Code to exempt from taxation certain real property owned by Brentwood RI, LLC, at 1060 Brentwood Road, N.E., Washington, D.C. 20018.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Brentwood Retail Center Real Property Tax Exemption Temporary Act of 2005".

Sec. 2. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-4608. Brentwood Retail Center, 1060 Brentwood Road, N.E.; lot 57, square 3848."

(b) A new section 47-4608 is added to read as follows:

"§ 47-4608. Brentwood Retail Center, 1060 Brentwood Road, N.E.; lot 57, square 3848."

"(a) The real property located in the District of Columbia, described as lot 57, square 3848, situated at 1060 Brentwood Road, N.E., shall be exempt from real property taxation under Chapter 8 for 6 years, beginning on the effective date of this section, so long as:

"(1) The real property is owned and managed by Brentwood RI, LLC, a District of Columbia limited liability company;

"(2) The real property shall be used to develop a commercial and retail center, containing at least 5 retail establishments, of which, 2 shall be leased to national credit retail stores ("project");

"(3) Construction on the development of the project shall commence within 60 days after the effective date of the Brentwood Retail Center Real Property Tax Exemption Temporary Act of 2005;

"(4) The Brentwood RI, LLC shall comply with the First Source Agreement and Local, Small, and Disadvantaged Business Enterprises commitments as set forth in the "Application for Economic Assistance" to the District government.

"(b) If there is noncompliance with any of the conditions set forth in subsection (a) of this section, the abatement shall terminate as of the beginning of the year in which the noncompliance occurred."

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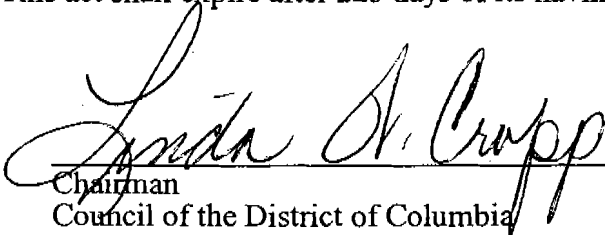
Sec. 3. Fiscal impact statement.

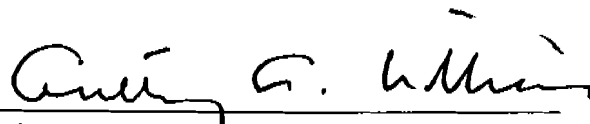
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
October 4, 2005

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-173

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 4, 2005*Codification
District of
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Official Code*

2001 Edition

2006 Spring
Supp.West Group
Publisher

To amend, on a temporary basis, the District of Columbia Bus Shelter Act of 1979 to extend the term of the bus shelter franchise agreement to 20 years.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this Act may be cited as the "District of Columbia Bus Shelter Temporary Amendment Act of 2005".

Sec. 2. Sec. 3(d) of the District of Columbia Bus Shelter Act of 1979, effective May 10, 1980, (D.C. Law 3-67; D.C. Official Code § 9-1152(d)), is amended by striking the phrase "for a period of 10 years." and inserting the phrase "for a period of 20 years, to expire on December 31, 2025. After December 31, 2025, the term shall be 10 years." in its place.

Note,
§ 9-1152

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

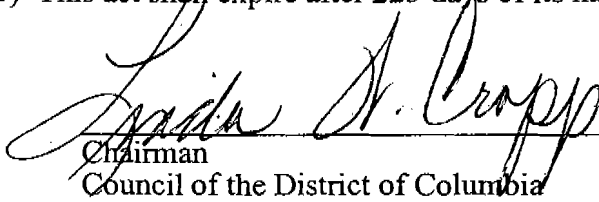
Sec. 4. Effective date.


(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

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December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
October 4, 2005

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-174

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 4, 2005

To approve, on an emergency basis, Contract No. GAGA-2005-C-0056 for the purchase of 375 school buses and maintenance services for these school buses for the District of Columbia Public Schools Office of Special Education, and to authorize payment for goods and services received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. GAGA-2005-C-0056 with Laidlaw Transit, Inc. Approval and Payment Authorization Emergency Act of 2005".

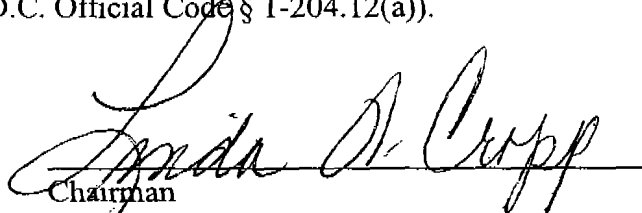
Sec. 2. Notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), Contract No. GAGA-2005-C-0056 with Laidlaw Transit, Inc. for the District of Columbia Public Schools purchase of school buses and maintenance services is approved and payment is authorized for goods and services received under that contract.

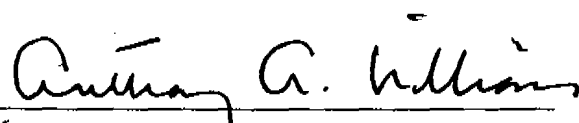
Sec. 3. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
October 4, 2005

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-175

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 4, 2005

To approve, on an emergency basis, Contract No. GAGA-2004-C-0131 for the construction/modernization and building code remediation of the District of Columbia Public Schools J.P. Sousa Middle School, and to authorize payment for goods and services received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. GAGA-2004-C-0131 with Washington Sprinkler/Tompkins Builders Joint Venture Approval and Payment Authorization Emergency Act of 2005".

Sec. 2. Notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), Contract No. GAGA-2004-C-0131 with Washington Sprinkler Company/Tompkins Builders, Joint Venture, for the construction/modernization and building code remediation of the District of Columbia Public Schools J.P. Sousa Middle School is approved and payment is authorized for goods and services received under that contract.

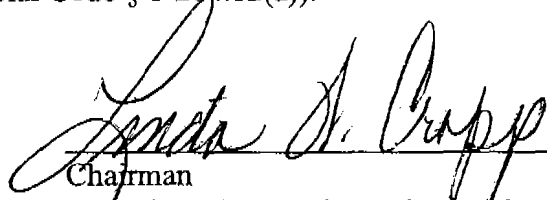
Sec. 3. Effective date.


This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

OCT 14 2005

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
October 4, 2005

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-176

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 4, 2005

To approve, on an emergency basis, Contract No. GAGA-2005-C-0060 for the construction/modernization and building code remediation of the District of Columbia Public Schools Rose Hardy Middle School/Fillmore Arts Center, and to authorize payment for goods and services received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. GAGA-2005-C-0060 with Arrow Construction Company/William M. Schlosser Co. Joint Venture Approval and Payment Authorization Emergency Act of 2005".

Sec. 2. Notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), Contract No. GAGA-2005-C-0060 with Arrow Construction Company, LLC/William M. Schlosser Co., Inc., Joint Venture for the construction/modernization and building code remediation of the District of Columbia Public Schools Rose Hardy Middle School and Fillmore Arts Center is approved and payment is authorized for goods and services received under that contract.

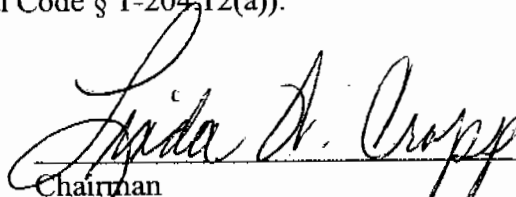
Sec. 3. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

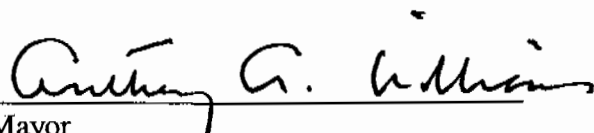
OCT 14 2005

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 4, 2005

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-177

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 4, 2005*Codification
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To amend, on an emergency basis, due to Congressional review, Title 47 of the District of Columbia Official Code to repeal a provision which would inadvertently repeal a tax increase imposed by the Ballpark Omnibus Financing and Revenue Act of 2004, to correct the designation of the utility taxes to be deposited in the Ballpark Revenue Fund, to correct the basic tax rate for electricity users, and to correct the applicability date of certain utility taxes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Utility Taxes Technical Corrections Congressional Review Emergency Act of 2005".

Sec. 2. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-368.03(d) is repealed.

(b) Section 47-2501 is amended as follows:

(1) Subsection (a-2) is amended by striking the phrase "One-eleventh of the total tax collected" and inserting the phrase "Beginning January 1, 2005, one-eleventh of the total tax collected from nonresidential customers" in its place.

(2) Subsection (d-1)(1)(B) is amended as follows:

(A) Sub-subparagraph (i) is amended by striking the phrase "a tax of \$0.0077" and inserting the phrase "a tax of \$0.007, as of January 1, 2005," in its place.

(B) Sub-subparagraph (ii) is amended by striking the phrase "a tax of \$0.0007" and inserting the phrase "a tax of \$0.0007, as of January 1, 2005," in its place.

(c) Section 47-3902(d) of the District of Columbia Official Code is amended by striking the phrase "One-eleventh of the total tax collected" and inserting the phrase "Beginning January 1, 2005, one-eleventh of the total tax collected from nonresidential customers" in its place.

Sec. 3. Applicability.

Section 2(a) shall apply as of April 8, 2005.

Note,
§ 47-368.03Note,
§ 47-2501Note,
§ 47-3902

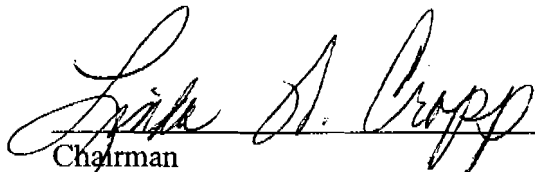
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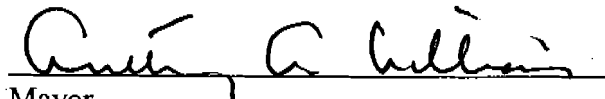
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, beginning August 16, 2005, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
October 4, 2005

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-178IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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To require, on an emergency basis, due to Congressional review, all exploratory committees to file informational reports with the District of Columbia Office of Campaign Finance; to establish individual and aggregate contribution limits; to treat exploratory contributions as campaign contributions; and to amend the District of Columbia Campaign Finance Reform and Conflict of Interest Act to define terms relating to this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Exploratory Committee Disclosure Informational Report and Contribution Prohibition Congressional Review Emergency Amendment Act of 2005".

Sec. 2. Findings.

The Council of the District of Columbia finds that:

- (1) Before deciding to campaign for elected office, an individual may first want to "test the waters" or explore the feasibility of becoming a candidate;
- (2) An individual may organize a committee for testing the waters and the public shall be provided notice of its establishment by filing an informational report with the Office of Campaign Finance identifying the name and purpose of the exploratory committee;
- (3) Exploratory committees must be allowed to operate on a level-playing field with exploratory committees of incumbent office holders;
- (4) Contributions to an exploratory committee should be treated as contributions to the individual's campaign once candidacy is declared;
- (5) Transparency in the operations of the exploratory committee is critical to the government and the people it serves;
- (6) Exploratory committee contributions and expenditures must be made available to the public; and
- (7) Contribution limits do not violate one's right to free speech and association and have been found constitutional by the Supreme Court.

Sec. 3. Reports of exploratory committees.

(a) Each exploratory committee shall file an informational report with the Office of Campaign Finance that lists the following:

- (1) Each contributor's full name, employer, and the contributions received by the committee;
- (2) Itemized expenditures by category including polling, travel, office rent, and administrative costs; and

ENROLLED ORIGINAL

- (3) The balance of the exploratory committee fund.
- (b) The informational report shall be filed semi-annually. The reports shall be due on January 31st and July 31st.
- (c) An exploratory committee shall disclose all contributions that were made to, and expenditures made by, the committee on or after March 1, 2005.

Sec. 4. Fund balance requirements.

- (a) Any balance in an exploratory committee fund may be transferred to an established principal campaign committee, political committee, or charitable organization in accordance with D.C. Official Code § 47-1803.03(a)(8).
- (b) Exploratory committee fund balances shall not be deemed the personal funds of any individual, including the individual seeking elective office.

Sec. 5. Aggregate and individual contribution limits.

- (a) Exploratory committees shall not receive aggregate contributions in excess of:
 - (1) \$200,000 for a Mayoral exploratory committee;
 - (2) \$150,000 for a Chairman of the Council exploratory committee;
 - (3) \$100,000 for an At-large member of the Council exploratory committee; and
 - (4) \$50,000 for a Ward Councilmember exploratory committee.
- (b) Exploratory committees shall not receive contributions, individually or in the aggregate, in excess of:
 - (1) \$2,000 for a Mayoral exploratory committee;
 - (2) \$1,500 for a Chairman of the Council exploratory committee;
 - (3) \$1,000 for an At-large member of the Council exploratory committee; and
 - (4) \$500 for Ward Councilmember exploratory committee.

Sec. 6. Contribution prohibition.

When an individual decides to run for office and becomes a candidate, contributions received during the exploratory period, beginning March 1, 2005 shall apply to the campaign contribution limits for the candidate, as provided under section 3 of the District of Columbia Campaign Contribution Limitation Initiative Act of 1992, approved March 17, 1993 (D.C. Law 9-204; D.C. Official Code § 1-1131.01).

Sec. 7. Section 102 of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 447; D.C. Official Code § 1-1101.01), is amended as follows:

- (a) New paragraphs (12), (13), and (14) are added to read as follows:
 - “(12) The term “exploratory activity” means, but shall not be limited to, polling to determine one’s electability to public office, travel, and telephone calls.
 - “(13) The term “exploratory committee” means any individual, or group of individuals organized for the purpose of examining or exploring the feasibility of becoming a candidate for an elective office in the District of Columbia.
 - “(14) The term “campaign activity” means, but shall not be limited to:
 - “(A) Making or authorizing statements that refer to an individual as a candidate;
 - “(B) Using general public political advertising to publicize an individual’s

Note,
§ 1-1101.01

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-179IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 4, 2005Codification
District of
Columbia
Official Code

2001 Edition

2006 Spring
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To amend, on an emergency basis, the Criminal Background Checks for the Protection of Children Act of 2004 to clarify that persons convicted of certain crimes are not automatically excluded from working as employees or unsupervised volunteers of certain providers that provide direct services to children or youth and to provide applicants a right to appeal a denial of employment or volunteer status based on a finding that they pose a present danger to children or youth.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Criminal Background Checks for the Protection of Children Clarification Emergency Amendment Act of 2005".

Sec. 2. The Criminal Background Checks for the Protection of Children Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 4-1501.01 *et seq.*), is amended as follows:

(a) Section 205(c)(5) (D.C. Official Code § 4-1501.05(c)(5)) is amended to read as follows:

Note,
§ 4-1501.05

"(5) A signed affirmation stating whether or not the applicant, employee, or volunteer has been convicted of a crime, has pleaded nolo contendere, is on probation before judgment or placement of a case upon a stet docket, or has been found not guilty by reason of insanity, for any sexual offenses or intra-family offenses in the District of Columbia or their equivalent in any other state or territory, or for any of the following felony offenses or their equivalent in another state or territory:

"(A) Murder, attempted murder, manslaughter, or arson;

"(B) Assault, battery, assault and battery, assault with a dangerous weapon, mayhem, or threats to do bodily harm;

"(C) Burglary;

"(D) Robbery;

"(E) Kidnapping;

"(F) Illegal use or possession of a firearm;

"(G) Sexual offenses, including indecent exposure; promoting,

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procuring, compelling, soliciting, or engaging in prostitution; corrupting minors (sexual relations with children); molesting; voyeurism; committing sex acts in public; incest; rape; sexual assault; sexual battery; or sexual abuse; but excluding sodomy between consenting adults;

“(H) Child abuse or cruelty to children; or

“(I) Unlawful distribution or possession of, or possession with intent to distribute, a controlled substance;”.

(b) A new section 207a (to be codified at D.C. Official Code § 4-1501.07a) is added to read as follows:

Note,
§ 4-1501.07a

“Sec. 207a. Assessment of information obtained from criminal background check.

“(a) The information obtained from the criminal background check shall not create a disqualification or presumption against employment or volunteer status of the applicant unless the Mayor determines that the applicant poses a present danger to children or youth. In making this determination, the Mayor shall consider the following factors:

“(1) The specific duties and responsibilities necessarily related to the employment sought;

“(2) The bearing, if any, the criminal offense for which the person was previously convicted will have on his or her fitness or ability to perform one or more such duties or responsibilities;

“(3) The time which has elapsed since the occurrence of the criminal offense;

“(4) The age of the person at the time of the occurrence of the criminal offense;

“(5) The frequency and seriousness of the criminal offense;

“(6) Any information produced by the person, or produced on his or her behalf, in regard to his or her rehabilitation and good conduct since the occurrence of the criminal offense; and

“(7) The public policy that it is beneficial generally for ex-offenders to obtain employment.

“(b) The Mayor and covered child or youth services providers shall not employ or permit to serve as an unsupervised volunteer an applicant who has been convicted of, has pleaded nolo contendere, is on probation before judgment or placement of a case upon a stet docket, or has been found not guilty by reason of insanity for any sexual offenses involving a minor.

“(c) If an application is denied because the applicant presents a present danger to children or youth, the Mayor shall inform the applicant in writing and the applicant may appeal the denial to the Superior Court of the District of Columbia within 30 days of the date of the written statement.”.

Sec. 3. Fiscal impact statement.

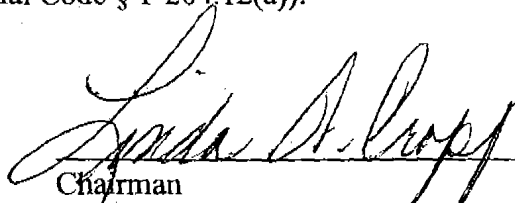
The Council adopts the fiscal impact statement of the Budget Director as the fiscal

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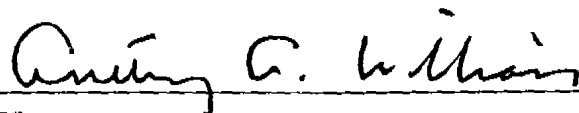
impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 4, 2005

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-180

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 4, 2005

*Codification
District of
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To authorize the Mayor, on an emergency basis, to provide disaster services and relocation and recovery assistance to victims of natural and other disasters.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia State of Emergency Disaster, Relocation, and Recovery Assistance Emergency Act of 2005".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, or other catastrophe, natural or man-made, in any part of the United States, a territory or possession of the United States, or a foreign land that causes or may cause substantial damage or injury to persons or property.

(2) "Disaster services" means benefits and services determined by the Mayor as being necessary to assist evacuees who have become residents of the District of Columbia as a result of a disaster, including Temporary Assistance to Needy Families ("TANF"), food stamps, health care, shelter, education, transportation, or any other necessity or support.

(3) "Evacuee" means a person displaced from his or her residence as a result of a disaster.

(4) "Present intent to remain" means a declared intent to remain in the District of Columbia until such time as the resident can return to the evacuated state, territory, possession, foreign land, or other place outside the District of Columbia.

(5) "Relocation and recovery assistance" means assistance authorized by the Mayor that is associated with the travel, transportation, meals, lodging, or other incidental costs relating to the movement of evacuees to and from the disaster area while residing within the District of Columbia.

(5) "Resident" means, for the purposes of determining eligibility for disaster

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services, an evacuee from another location to the District of Columbia due to a disaster who is located in the District of Columbia and has a present intent to remain.

Sec. 3. Disaster, relocation, and recovery assistance.

(a) Upon a declaration of a state of emergency by the President of the United States, or upon a determination by the Mayor that a disaster has occurred that requires emergency assistance to evacuees, the Mayor may provide disaster services to eligible resident evacuees and other relocation and recovery assistance to the extent otherwise authorized by federal and local law.

(b) Notwithstanding any other provision of law, each District of Columbia agency that provides disaster services or relocation or recovery assistance shall establish procedures at the supervisory program level to expedite the review and resolution of benefit claims associated with the provision of these services under this act.

(c) To the extent allowed by federal and District law, the Mayor may waive existing documentation requirements to prove eligibility for benefits and services, and may waive recovery of any overpayment of benefits, whether or not based on error, to avoid undue hardship to the evacuee.

(d) Only evacuees who formerly resided in an affected locality at the time of the disaster may receive benefits or services pursuant to this act.

(e) Except as provided in subsection (c) of this section, evacuees who request benefits or services pursuant to this act shall provide or consent to the release of information sufficient to verify residence, income, and resources and permit the program to certify eligibility.

(f) The Mayor may authorize overtime pay, paid administrative leave, compensatory time, travel and meal reimbursement, or other administrative expenditures, as permitted by federal and District law, necessary to provide disaster services or relocation or recovery assistance.

(g) Disaster services, relocation or recovery assistance and administrative expenditures shall be subject to the availability of appropriated funds.

Sec. 4. Status report on District residents in need.

Within 30 days of the effective date of this act, the Mayor shall provide a status report to the Council on District residents who are in need of TANF, food stamps, health care, shelter, education, or other assistance the Mayor considers necessary to all District residents in this group.

Sec. 5. Rules, contracts, grants.

(a) The Mayor, pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act.

ENROLLED ORIGINAL

(b) The Mayor may execute contracts, grants, and other legally binding documents to implement the provisions this act consistent with the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), and other applicable law.

Sec. 6. Fiscal impact statement.

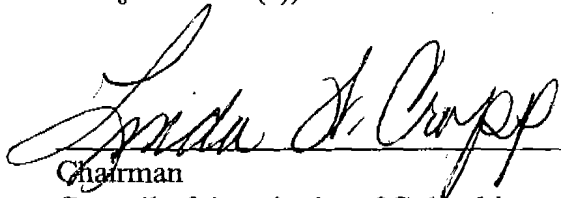
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

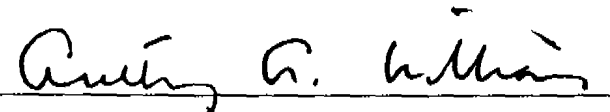
Sec. 7. Applicability.

This act shall apply as of August 27, 2005, which is the date that the President of the United States declared a state of emergency for parts of Louisiana, as a result of hurricane Katrina.

Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412 (a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
October 4, 2005

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-181IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 4, 2005Codification
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To amend, on an emergency basis, the Office of Administrative Hearings Establishment Act of 2001 to delay the transfer to the Office of Administrative Hearings of the adjudicatory functions for all cases under the jurisdiction of the Rent Administrator in the Department of Consumer Regulatory Affairs until January 1, 2006.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Office of Administrative Hearings Rental Housing Emergency Amendment Act of 2005".

Sec. 2. The Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.01 *et seq.*), is amended as follows:

(a) Section 6(b-1) (D.C. Official Code § 2-1831.03(b-1)) is amended as follows:

Note,
§ 2-1831.03

(1) Paragraph (1) is amended to read as follows:

"(1) In addition to those agencies listed in subsections (a) and (b) of this section, as of January 1, 2006, this chapter shall apply to adjudicated cases under the jurisdiction of the Rent Administrator in the Department of Consumer and Regulatory Affairs."

(2) A new paragraph (3) is added to read as follows:

"(3) The Chief Financial Officer, in consultation with the Chief Administrative Law Judge of the Office of Administrative Hearings and the Director of the Department of Consumer Regulatory Affairs, shall prorate the transfer of fiscal year 2006 funds to the Office of Administrative Hearings to pay the otherwise unbudgeted costs related to the transfer and assumption of the adjudicatory functions of cases under the jurisdiction of the Rent Administrator pursuant to paragraph (1) of this subsection."

(b) Section 19(b) (D.C. Official Code § 2-1831.16(b)) is amended by striking the second sentence and inserting the following in its place: "The Rental Housing Commission shall have jurisdiction to review orders of the Office in all adjudicated cases brought pursuant to the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*)".

Note,
§ 2-1831.16

ENROLLED ORIGINAL

Sec. 3. Applicability.

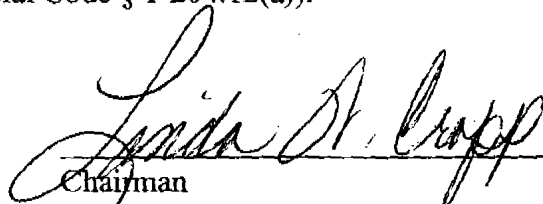
This act shall apply as of October 1, 2005.

Sec. 4. Fiscal impact statement.

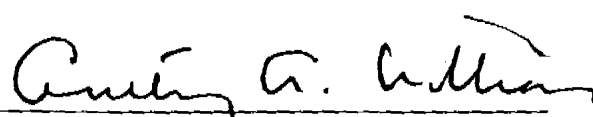
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 4, 2005

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-182

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 4, 2005Codification
District of
Columbia
Official Code

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2006 Spring
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Publisher

To amend the Animal Control Act of 1979 to authorize the establishment of off-leash dog exercise areas, to be known as "dog parks", on District-owned parkland, to permit off-leash dogs within dog parks, and to permit the Mayor to promulgate rules regarding the operation, maintenance, and use of dog parks.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may cited as the "Dog Park Establishment Amendment Act of 2005".

Sec. 2. The Animal Control Act of 1979, effective October 18, 1979 (D.C. Law 3-30; D.C. Official Code § 8-1801 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 8-1801(a)) is amended as follows:

Amend
§ 8-1801

(1) Paragraph (1) is amended by designating the existing text as subparagraph (A) and adding a new subparagraph (B) to read as follows:

"(B) The term "at large" does not include a dog in a dog park that is under the verbal command of a responsible adult."

(2) New paragraphs (3A) and (3B) are added to read as follows:

"(3A) The term "District-owned parkland" means outdoor property within the possession and control of the government of the District of Columbia.

"(3B) The term "dog park" means an officially established off-leash dog exercise area on District-owned or federal parkland."

(b) Section 9(e) (D.C. Official Code § 8-1808(e)) is amended by striking the phrase "public recreation area" and inserting the phrase "public recreation area, other than a dog park," in its place.

Amend
§ 8-1808

(c) A new section 9a is added to read as follows:

"Sec. 9a. Dog parks.

"(a) The Mayor is authorized to establish dog parks on District-owned parkland in which a dog under the verbal command of a responsible adult may exercise off-leash.

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“(b) A dog park shall be completely enclosed by a fence and gate, both no less than 5 feet in height.

“(c) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code 2-501 *et seq.*), shall issue rules to implement the provisions of this section. The rules shall:

“(1) Establish procedures for selecting a site for establishment of a dog park, which shall include notice to the public and an opportunity for public comment; and

“(2) Establish procedures for the operation, maintenance, and use of a dog park, which shall include a process for enforcement of the rules and for monitoring and addressing health and environmental safety concerns.”.

Sec. 3. Section 2 of Article 18 of the Police Regulations of the District of Columbia, effective October 12, 1961 (C.O. 61-1734; 24 DCMR § 900.3), is amended by striking the phrase “shall permit the dog to be on any public space in the District, unless such dog is secured by a substantial lease” and inserting the phrase “shall permit the dog to be on any public space in the District, other than a dog park established by section 9a of the Animal Control Act of 1979, passed on 2nd reading on September 20, 2005 (Enrolled version of Bill 16-28), unless the dog is secured by a substantial lease” in its place.

DCMR

Sec. 4. Fiscal impact statement.

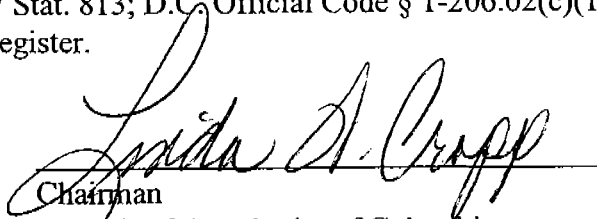
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

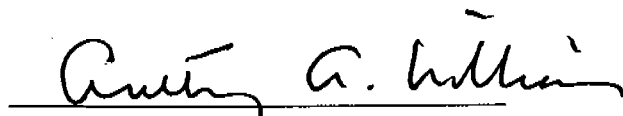
Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
October 4, 2005

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-183

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 4, 2005*Codification
District of
Columbia
Official Code*

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To amend, on a temporary basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978, to establish that District of Columbia Emancipation Day shall be observed on April 17, 2006, and to add it to the list of legal public holidays in the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Emancipation Day Alternate Date Temporary Amendment Act of 2005".

Sec. 2. Section 1202 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §1-612.02), is amended as follows:

*Note,
§ 1-612.02*

(a) Subsection (a) is amended by adding a new paragraph (11) to read as follows:

"(11) District of Columbia Emancipation Day, April 16th of each year."

(b) Subsection (c)(2) is amended to read as follows:

"(c)(2) April 16 of each year starting in 2005 shall be District of Columbia Emancipation Day, which shall be a legal public holiday for the purpose of pay and leave of employees scheduled to work on that day."

Sec. 3. Sense of the Council.

It is the sense of the Council that the federal government should recognize the "District of Columbia Emancipation Day". The Council urges Congresswoman Norton to introduce legislation in Congress to recognize this day.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule

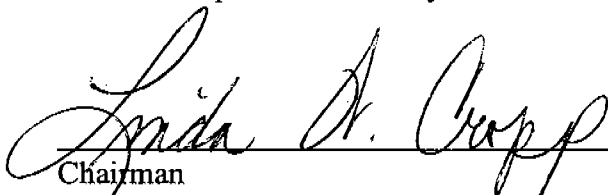
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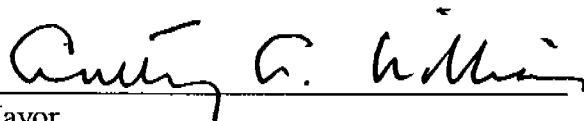
Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
October 4, 2005

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-184

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 4, 2005*Codification
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To amend, on a temporary basis, Title 16 of the District of Columbia Official Code to conform the general garnishment provisions to the income withholding requirements applicable to support orders, to provide for the enforcement of support orders by withholding according to applicable criteria, to require the Superior Court of the District of Columbia ("Court") to order that certain support payments be made through the Collection and Disbursement Unit, and to require that payments under support orders subject to enforcement by the IV-D agency be made in equal monthly installments; and to amend the District of Columbia Child Support Enforcement Amendment Act of 1985 to revise and update applicable definitions, to fully establish the IV-D agency as the District's Collection and Disbursement Unit, to specify the support payments that must be made through the Collection and Disbursement Unit, to revise the requirements for the content of support orders, to clarify and revise the criteria for withholding and the process through which withholding shall be implemented, to transfer responsibility for implementing withholding from the Court to the IV-D agency, to state the amounts that shall be withheld for current support and arrearages and provide a means for requesting a change in these amounts, to authorize the Court to enforce orders to withhold issued by the IV-D agency, to clarify that a notice of withholding to the obligor is only required in cases of initiated withholding being enforced by the IV-D agency, to eliminate escrow provisions relating to objections to withholding, to clarify the definition of a mistake of fact for the purpose of an objection to withholding, to specify that the time frame for resolving an objection to withholding begins on the date of service of the objection on the opposing party, to clarify the required contents of the notice or order to withhold to the holder, to require the holder to notify the IV-D agency of a termination of the obligor's employment, to expand the time frame during which a holder must submit payments to the Collection and Disbursement Unit and specify when withholding must begin, to authorize both the Court and the IV-D agency to notify the holder to terminate the withholding, to require the IV-D agency to issue an order to withhold to an obligor's new employer within 2 business days of receipt of updated employment information, to require the pro-ration of all types of payments among the support orders of multiple obligees, to clarify the requirements of interstate withholding, to clarify that the IV-D

ENROLLED ORIGINAL

agency is the District's centralized parent locator service and require persons and entities to provide the IV-D agency with specified information, to clarify that an administrative proceeding before the IV-D agency is not available to challenge notices or orders to withhold, and to make other conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Income Withholding Transfer and Revision Temporary Amendment Act of 2005".

Sec. 2. Title 16 of the District of Columbia Official Code is amended as follows:

(a) The table of contents for Chapter 5 is amended by adding the phrase "§ 16-571.01. Enforcement of support orders by attachment or garnishment." after the phrase "§ 16-571. Definitions."

(b) A new section 16-571.01 is added to read as follows:

"§ 16-571.01. Enforcement of support orders by attachment or garnishment.

"Notwithstanding any other provision of this subchapter, a notice or order to withhold issued to enforce a support order pursuant to Subchapter I of Chapter 2 of Title 46 shall have priority over any other legal process and shall be implemented according to the procedures, limitations, and requirements of that act."

(c) Section 16-573(b) is amended by striking the phrase "; except that, in the case of child support judgments, the employer shall continue to withhold the payments from the judgment debtor until receipt of an order of the court terminating the withholding".

(d) Section 16-577 is amended by striking the period at the end of the second sentence and adding the phrase ", except that a notice or order to withhold issued pursuant to Subchapter I of Chapter 2 of Title 46 shall have priority over any other legal process and shall be subject to the limitations stated in section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b))." in its place.

(e) Section 16-582 is amended by adding the sentence "Unless otherwise specified, this subchapter does not apply to notices or orders to withhold issued pursuant to Subchapter I of Chapter 2 of Title 46." at the end.

(f) Section 16-911(a)(1) is amended by striking the phrase "and shall enforce support orders through withholding as required under section 46-207" and inserting the phrase "and all support orders shall be enforceable by withholding as provided in section 46-207" in its place.

(g) Section 16-916 is amended to add a new subsection (c-4) to read as follows:

"(c-4) All support orders subject to enforcement by the IV-D agency pursuant to title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), shall require the payment of support in equal monthly amounts on the first day of each month. If a support order does not require the payment of support in this manner and the

ENROLLED ORIGINAL

support order is or becomes subject to enforcement by the IV-D agency, the IV-D agency may direct the payor, upon notice to both parents, to pay the support in equal monthly amounts on the first day of each month; provided, that the total of the monthly amounts required to be paid in one year cumulatively equals the total support required to be paid annually under the support order.”.

(h) Section 16-916.01(o)(3A) is amended by striking the phrase “specific facility,” and inserting the phrase “specific facility (except where the parent is incarcerated for contempt for failure to pay child support pursuant to section 46-225.02),” in its place.

Sec. 3. The District of Columbia Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law 6-166; D.C. Official Code § 46-201 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 46-201) is amended to read as follows:

Note,
§ 46-201

“Sec. 2. Definitions.

“For the purposes of this act, the term:

“(1) “Business day” means a day on which District offices are open for regular business.

“(2) “Caretaker” means a parent, relative, guardian, or other person whose needs are included in a public assistance payment for a dependent child and who is using those payments for the benefit of the dependent child.

“(3) “Collection and Disbursement Unit” or “CDU” means the centralized unit operated by the IV-D agency for the collection and disbursement of support payments as required under section 454B of title IV, part D of the Social Security Act, approved August 22, 1996 (110 Stat. 2207; 42 U.S.C. § 654B).

“(4) “Court” means the Superior Court of the District of Columbia.

“(5) “Custodian” means the parent, relative, guardian, or other person with whom the dependent child resides.

“(6) “Dependent child” means any child whose support is required by D.C. Official Code § 16-916, or any child to whom a responsible relative owes a duty of support.

“(7) “Duty of support” means:

(A) Any duty of support imposed by statute or by common law;

(B) Any duty of support imposed by court order, decree, or judgment, whether interlocutory or final; and

(C) Any duty of reimbursement imposed by law for monies expended by the District for support, including public assistance and foster care.

“(8) “Earnings” means any remuneration based on employment, including, but not limited to, wages, salaries, annuities, retirement benefits, unemployment compensation, and disability benefits.

“(9) “Entity” means a partnership, firm, association, corporation, sole

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proprietorship, company, organization, or other business, including a governmental or nonprofit organization.

“(10) “IV-D agency” means the Child Support Services Division of the Office of the Attorney General for the District of Columbia, or successor organizational unit, that is responsible for administering or supervising the administration of the District’s State Plan under title IV, part D, of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), pertaining to parent locator services, paternity establishment, and the establishment, modification, and enforcement of support orders.

“(11) “Holder” means any person, firm, association, corporation, government official, or other entity that is believed to possess property of an obligor, including earnings or other income.

“(12) “Mayor” means the Mayor of the District of Columbia or the Mayor’s designee.

“(13) “Notice to withhold” means a written notice informing a holder that an obligor’s support order is enforceable by withholding and directing the holder to implement the withholding.

“(14) “Obligee” means a person or entity who is entitled to receive support pursuant to a support order.

“(15) “Obligor” means a person who is required to pay support pursuant to a support order.

“(16) “Order to withhold” means an order that requires a holder to turn over earnings or other income in a specified amount to a specified payee rather than to an individual to whom the earnings or other income would otherwise be payable.

“(17) “Other income” means any income available to an individual, whether or not derived from remuneration based on employment.

“(18) “Public assistance” means assistance granted under the District’s Temporary Assistance for Needy Families Program or Program on Work, Employment, and Responsibility pursuant to the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-201.01 *et seq.*).

“(19) “Responsible relative” means a person obligated under law for the support of a dependent child.

“(20) “Support order” means a judgment, decree, or order, whether temporary, final, or subject to modification, issued by a court or an administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, which provides for monetary support, health care, arrearages, or reimbursement and which may include related costs and fees, interest and penalties, income withholding, attorneys’ fees, and other relief.”.

(b) Section 3a (D.C. Official Code § 46-202.01) is amended to read as follows:

Note,
§ 46-202.01

“Sec. 3a. Collection and Disbursement Unit.

”(a) The IV-D agency is established as the centralized Collection and Disbursement Unit for the collection and disbursement of support payments and shall operate the CDU either directly or through a contract or cooperative agreement with another entity.

“(b) The Collection and Disbursement Unit shall collect and disburse support payments under the following support orders, and obligors and holders required to pay support pursuant to these orders shall submit payments to the CDU for disbursement to the obligee:

“(1) All support orders enforced by the IV-D agency pursuant to title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*);

“(2) All support orders not enforced by the IV-D agency where the support order was initially issued in the District on or after January 1, 1994, and for which withholding of the obligor's earnings or other income has commenced; and

“(3) All other support orders for which the Court has ordered that payments be made through the Collection and Disbursement Unit, or for which withholding of the obligor's earnings or other income has commenced.

“(c) The IV-D agency shall operate the Collection and Disbursement Unit in coordination with the automated system the IV-D agency maintains pursuant to section 27j.

“(d)(1) The Collection and Disbursement Unit shall use automated procedures, electronic processes, and computer-driven technology, to the maximum extent that is feasible, efficient, and economical, for the collection and disbursement of support payments, including procedures:

“(A) For receipt of payments from obligors, holders, and other states, and for disbursements to obligees, the IV-D agency, and the IV-D agencies of other states;

“(B) For accurate identification of payments;

“(C) To ensure prompt disbursement of each obligee's share of any payment; and

“(D) To furnish to any obligor or obligee, upon request, timely information on the current status of support payments required to be made through the Collection and Disbursement Unit pursuant to subsection (b) of this section.

“(2) The Collection and Disbursement Unit shall not be required to convert and maintain, in automated form, records of payments made before August 22, 1996, for support orders subject to withholding that are not enforced by the IV-D agency.

“(e) The Collection and Disbursement Unit shall disburse all amounts payable within 2 business days after receipt from the employer or other holder if sufficient information identifying the payee is provided. The Collection and Disbursement Unit may delay the disbursement of collections toward arrearages until any appeal with respect to such arrearages has been resolved.”.

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(c) Section 5(d) (D.C. Official Code § 46-204(d)) is amended by adding a new paragraph (3) to read as follows:

Note,
§ 46-204

“(3) Incarceration for contempt for failure to pay child support pursuant to section 26b shall not constitute a change in circumstances sufficient to warrant a modification of support under subsection (a) of this section.”.

(d) Section 6 (D.C. Official Code § 46-205) is amended to read as follows:

Note,
§ 46-205

“Sec. 6. Contents of support order.

“All support orders, whether they are original orders or modifications of existing orders, shall contain the following:

“(1) A provision requiring the withholding of support payments from the obligor’s earnings or other income in accordance with this act;

“(2) Notice that the support order shall be enforceable by withholding as specified in sections 8 and 8a;

“(3) Notice that payments required by a support order specified in section 3a(b) shall be made through the Collection and Disbursement Unit and any other payments shall be considered a gift and shall not offset the duty of support;

“(4) A provision that directs the parties to file and update the information specified in section 27b with the IV-D agency and the Court in accordance with that section;

“(5) Terms providing for the payment of the child’s medical expenses, whether or not health insurance is available to pay for those expenses, which shall include a provision directing the obligor and obligee to notify the IV-D agency and the Court of the following:

“(A) Any change in either the obligor’s or the obligee’s access to health insurance coverage for the child or the reasonableness of the costs of coverage; and

“(B) All health insurance policy information necessary to enroll the child in the health insurance to which the obligor or obligee has access;

“(6) Notice that if the obligor is required under the support order to provide health insurance coverage for a child, the obligor’s employer will, upon receipt of notice of the health insurance coverage provision, enroll the child in health insurance coverage and deduct the premiums from the obligor’s earnings in accordance with sections 2 and 3 of the Medicaid Benefits Protection Act of 1994, effective March 14, 1995 (D.C. Law 10-202; D.C. Official Code §§ 1-307.41, 1-307.42), and the Medical Support Establishment and Enforcement Amendment Act of 2004, effective March 30, 2004 (D.C. Law 15-130; D.C. Official Code § 46-251.01 *et seq.*);

“(7) Notice that the amount and name of the obligor and obligee of all support orders entered, modified, registered, or enforced in the District after December 23, 1997 shall be reported to a consumer credit reporting agency if the obligor owes overdue support in the amount of \$1,000 or more;

“(8) The name, address, and telephone number of the obligor’s current employer; and

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"(9) Notice that an order to withhold may be changed upon a motion by a party or the IV-D agency for a reapportionment of periodic arrears payments pursuant to section 9(c).".

(e) Section 6a (D.C. Official Code § 46-205.01) is amended as follows:

Note,
§ 46-205.01

(1) The section heading is amended by striking the phrase "child and spousal".

(2) The text is amended by striking the word "Superior".

(f) Section 7 (D.C. Official Code § 46-206) is amended as follows:

Note,
§ 46-206

(1) Subsection (a) is amended to read as follows:

"(a) In any case brought in Court under D.C. Official Code § 11-1101(a)(1), (3), (10), or (11) involving the establishment of support, the Clerk of the Court shall issue notice to the alleged responsible relative stating that a hearing to determine the matter of support has been scheduled. This hearing shall be scheduled within 45 days after the date the application is filed.".

(2) Re-designate subsection (b-1) as subsection (f).

(3) Subsection (c) is amended to read as follows:

"(c) The notice shall include the following:

"(1) The name of the person for whom support is being claimed;

"(2) A demand that the alleged responsible relative attend a hearing and the date, time, and place of the hearing;

"(3) An explanation of the possible consequences of the alleged responsible relative's failure to attend the scheduled hearing;

"(4) A demand that the alleged responsible relative bring to the hearing any record in the relative's possession of earnings received in the past 2 years, including receipts for earnings provided by an employer, or any wage and tax statements prepared by an employer setting forth earnings for tax purposes;

"(5) Notice that the alleged responsible relative may be represented by counsel at any stage of the proceedings;

"(6) An explanation that a request for a continuance may result in the setting of interim support or the posting of collateral; and

"(7) A copy of the complaint or petition.".

(4) A new subsection (e) is added to read as follows:

"(e) Where a party is seeking a modification of a support order:

"(1) The Clerk of the Court shall issue notice to the opposing party:

"(A) Stating that a hearing to determine the matter of support has been scheduled;

"(B) Containing the information stated in subsection (c) of this section; and

"(C) Including a copy of the motion for modification;

"(2) The hearing shall be scheduled within 45 days after the date the application

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is filed; and

“(3) Personal service on the opposing party may be made in accordance with subsection (b) or (f) of this section.”.

(g) Section 8 (D.C. Official Code § 46-207) is amended to read as follows:

“Sec. 8. Enforcement by withholding.

Note,
§ 46-207

“(a) All support orders, whether they are original orders or modifications of existing orders, that are effective on or after January 1, 1994, or that are effective on or after November 1, 1990 in cases being enforced by the IV-D agency pursuant to title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), shall be immediately enforceable by withholding, unless the Court finds there is good cause not to require immediate withholding or the parties agree in writing to an alternative method of payment.

“(b) A finding of good cause not to require immediate withholding pursuant to subsection (a) of this section shall be based on at least:

“(1) A written finding and explanation by the Court establishing the reasons that immediate withholding would not be in the best interests of the child; and

“(2) Proof of timely payment of previously ordered support in cases involving the modification of support orders.

“(c) A written agreement to an alternative method of payment shall be signed by the parties, and by the IV-D agency for support orders being enforced by the IV-D agency. The agreement shall be submitted to the Court for its review and approval, and entered into the Court's record.

“(d) All support orders being enforced by the IV-D agency that are not immediately enforceable by withholding under subsection (a) of this section, including support orders subject to a finding of good cause or a written agreement to an alternative method of payment, shall become enforceable by withholding on the earliest of:

“(1) The date the obligor requests that the withholding begin;

“(2) The date the custodian requests that the withholding begin; provided, that the IV-D agency approves the request pursuant to procedures the IV-D agency adopts for determining that withholding is in the best interests of the child; or

“(3) The date on which arrearages equal one month of support payments.

“(e) A support order shall be enforceable by withholding pursuant to subsection (a) or (d) of this section regardless of whether or not the Court has entered an order authorizing withholding as a means of enforcement.

“(f) All support orders not enforceable by withholding under subsection (a) or (d) of this section shall be enforceable by withholding on the effective date of a court order authorizing the withholding. The Court shall enter an order authorizing withholding, at the request of a party, upon a showing that:

“(1) Arrearages equal one month of support payments; or

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“(2) Withholding is in the best interests of the child.”

(h) A new section 8a is added to read as follows:

“Sec. 8a. Implementation of withholding.

“(a) The IV-D agency shall implement withholding for support orders enforceable by withholding pursuant to section 8 by issuing an order to withhold in the format prescribed by federal law and serving this order on the holder of the obligor’s earnings or other income as follows:

“(1) For support orders that are immediately enforceable by withholding pursuant to section 8(a), within 2 business days after the date the support order is received if the holder’s address is known, or, if the holder’s address is unknown, within 2 business days after receiving or locating the holder’s address.

“(2) For support orders that become enforceable by withholding pursuant to section 8(d), within 2 business days after the date the support order becomes enforceable by withholding if the holder’s address is known, or, if the holder’s address is unknown, within 2 business days after receiving or locating the holder’s address.

“(3) For support orders enforceable by withholding pursuant to section 8(f), within 2 business days of receipt of a written request from the Court or a party that includes a copy of the support order and the order authorizing the withholding; provided, that the holder’s address is known, or if the holder’s address is unknown, within 2 business days after receiving the holder’s address.

“(b) If an obligor changes employment while a withholding is in effect, the IV-D agency shall serve an order to withhold on the new holder within 2 business days after receiving or locating the new holder’s address.

“(c) For the purpose of this section, the IV-D agency shall be deemed to have received the holder’s address on the date the IV-D agency’s computerized support enforcement system receives notice of income or an income source from a court, a state, a holder, the Federal Parent Locator Service, or another source recognized by the IV-D agency, or the date information regarding a newly hired employee is entered into the District of Columbia Directory of New Hires pursuant to section 27f. The Court shall provide the IV-D agency with information it receives concerning the name or address of a holder within 2 business days after receiving the information.

“(d) The IV-D agency shall use the automated system it maintains pursuant to section 27j to the maximum extent that is feasible to assist and facilitate the collection and disbursement of support payments and the implementation of withholding, including:

“(1) Transmission of orders to withhold to employers and other holders;

“(2) Ongoing monitoring to promptly identify failures to make timely payment of support; and

“(3) Automatic use of enforcement procedures if payments are not timely made.

“(e) Any person or entity may serve a notice to withhold in the format prescribed by

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federal law on a holder of an obligor's earnings or other income to inform the holder that the obligor's support order is enforceable by withholding and to require the holder to implement withholding in accordance with this act. A person or entity serving a notice to withhold shall provide a copy of the support order and the order authorizing the withholding to the holder with the notice.

"(f) Notices and orders to withhold may be served without prior notice to the obligor, by in-person delivery, certified mail, first-class mail, facsimile, or electronically, if the holder can receive electronic notices."

(i) Section 9 (D.C. Official Code § 46-208) is amended to read as follows:

"Sec. 9. Withholding.

Note,
§ 46-208

"(a) Notwithstanding any other provision of Subchapter II or III of Chapter 5 of Title 16, where a notice or order to withhold is served on a holder of an obligor's earnings or other income, the withholding shall be for an amount sufficient to satisfy the obligor's periodic support obligation, an amount equal to 25% of the periodic support obligation if the obligor owes overdue support, and other costs or fees required by the support order.

"(b) When an obligor is no longer subject to a periodic support obligation but owes overdue support, the withholding shall be for the amount of the obligor's most recent periodic support obligation.

"(c) Upon a motion by a party or the IV-D agency, the Court may order withholding of an amount that differs from the amount required for overdue support pursuant to subsection (a) or (b) of this section if the Court finds that the amount required would:

"(1) Cause a substantial hardship to the obligor; or

"(2) Result in an unreasonable delay in the full payment of the overdue support.

"(d) A notice or order to withhold served on a holder in accordance with this act shall have priority over any other legal process under District law, and shall not exceed the limitations set forth under section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)).

"(e) The Collection and Disbursement Unit shall establish procedures for the prompt return to an obligor of any amounts it receives that have been improperly withheld.

"(f) Nothing in this act shall be construed to require a judicial or administrative hearing before the implementation of withholding.

"(g) An order to withhold issued in accordance with this act shall be binding on each present and future holder upon whom it is served until the holder is notified of its termination in writing by the Court or the IV-D agency. Upon a motion filed by a party or the IV-D agency, the Court may enforce an order to withhold issued by the IV-D agency in the same manner as the Court may enforce a judicial order, including civil contempt.

"(h) Where a party or entity registers a support order entered in another jurisdiction for enforcement pursuant to the Uniform Interstate Family Support Act of 1995, effective February 9, 1996 (D.C. Law 11-81; D.C. Official Code § 46-301.01 *et seq.*), withholding shall be

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implemented in the same manner and subject to the same procedures as a support order entered in the District of Columbia.”.

(j) Section 10 (D.C. Official Code § 46-209) is amended to read as follow:

Note,
§ 46-209

“Sec. 10. Notice of withholding to the obligor.

“(a) If a support order becomes enforceable by withholding pursuant to section 8(d), the IV-D agency shall send a notice of withholding to the obligor and shall certify the date the notice is mailed.

“(b) The notice of withholding to the obligor shall include the following:

“(1) Notice that withholding has commenced;

“(2) A statement of any arrearage that has accrued, the amount of the support obligation that is accruing, and the periodic amount required to be paid in the future;

“(3) A statement of the amount of the obligor's earnings or other income that shall be withheld;

“(4) A statement that the withholding shall apply to any current and subsequent employer or period of employment;

“(5) A statement that the obligor has the right to object to the withholding, a statement of the procedures available for objecting to the withholding, and a statement that the only basis for objecting to the withholding is a mistake of fact as defined in section 11(c);

“(6) A statement of the actions that will be taken if the obligor objects to the withholding; and

“(7) A statement of the information given to the holder pursuant to section 12.

“(c) The IV-D agency shall send the notice of withholding to the obligor within 15 days after serving the order to withhold on the holder.”.

(k) Section 11 (D.C. Official Code § 46-210) is amended to read as follows:

Note,
§ 46-210

“Sec. 11. Objections to withholding.

“(a) An obligor may object to a withholding commenced pursuant to section 8a by filing a motion to quash the withholding with the Court within 15 days after the earlier of the date the notice of withholding was mailed or the date the first payment was withheld.

“(b) The Court shall resolve any motion to quash the withholding within 90 days after service of the motion on the opposing party, unless, upon a showing of good cause, the Court finds that additional time is needed to resolve the motion.

“(c) The only ground for an objection to a withholding is a mistake of fact, which is defined as:

“(1) A mistake in the amount of arrears;

“(2) A mistake in the identity of the obligor; or

“(3) A mistake in the amount of the withholding that causes the amount withheld to exceed the limits specified in section 9 or section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)).

“(d) Payment of arrearages after the date of issuance of a notice of withholding to the

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obligor pursuant to section 10 is not a defense to the withholding.

“(e) The Court shall deny the motion in all cases except where the identity of the obligor is mistaken or, if applicable, where arrearages have never equaled one month of support payments, and shall notify the obligor.

“(f) If the Court determines that the amount to be withheld exceeds the limits of section 9 or section 303(b) of the Consumer Credit Protection Act, the Court shall serve or direct the IV-D agency to serve an order to withhold on the holder that complies with those limits.

“(g) The Court shall deny any request to stay the withholding pending resolution of an objection or appeal.”.

(l) Section 12 (D.C. Official Code § 46-211) is amended to read as follows:

“Sec. 12. Notice to withhold to the holder.

Note,
§ 46-211

“A notice or order to withhold served pursuant to section 8a shall be issued in the format required by federal law and shall state the following:

“(1) The amount to be withheld, including any fee deducted and retained under section 13;

“(2) That the amount to be withheld shall not exceed the limits imposed under section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b));

“(3) That the holder shall withhold from the obligor’s earnings or other income the amount specified in the notice or order to withhold, pay the withheld amount to the Collection and Disbursement Unit within 7 business days after the date the income would have been paid to the obligor, and report to the Collection and Disbursement Unit the date on which the amount was withheld;

“(4) That the holder shall begin withholding no later than the first pay period occurring 10 days after the date the notice or order to withhold was issued;

“(5) That the holder may deduct and retain an additional \$ 2 for processing costs or, if applicable, an amount permitted under section 13(e);

“(6) That the withholding is binding on the holder until further notice;

“(7) That the holder may be fined in accordance with section 20(c) for discharging an obligor from employment, refusing to employ an obligor, or taking disciplinary action against an obligor because of the withholding;

“(8) That, if the holder fails to withhold support payments from earnings or other income or remit these payments to the Collection and Disbursement Unit as required under this act, the holder shall be liable as specified in section 14;

“(9) That the withholding has priority over any other legal process under District law;

“(10) That the holder may combine withheld amounts from more than one obligor in a single payment and separately identify the portion of the payment that is attributable to each obligor;

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“(11) That the holder shall withhold according to the requirements of section 13; and

“(12) That the holder shall give notice to the IV-D agency of a termination of the obligor’s employment as required by section 17.”.

(m) Section 13 (D.C. Official Code § 46-212) is amended to read as follows:

Note,
§ 46-212

“Sec. 13. Holder's duty to withhold and make payments.

“(a) Except as provided in subsection (e) of this section, a holder that receives a notice or order to withhold issued in accordance with this act shall withhold the specified amount and make payment to the Collection and Disbursement Unit no later than 7 business days after the date the amount would have been paid or credited to the obligor. The holder shall begin withholding no later than the first pay period occurring 10 days after the date the notice or order to withhold was issued.

“(b) If a holder receives notice of any legal proceeding challenging the withholding or the judgment or order of support on which it is based, the holder shall continue to withhold and submit the payments to the Collection and Disbursement Unit until the holder receives written notice from the Court or the IV-D agency directing the holder to cease the withholding.

“(c) Any payment made by a holder in conformity with this section shall discharge the liability of the holder to the obligor to the extent of the payment.

“(d) A holder upon whom a notice or order to withhold has been served may deduct and retain from the obligor’s earnings or other income an additional \$ 2 for each deduction made in accordance with the notice or order to withhold. Where the total amount to be withheld, together with a fee, exceeds the limitations set forth in section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)), the holder shall reduce the amount of the withholding to conform with these limitations, but the amount of the fee shall not be reduced by reason of the limitations.

“(e) Notwithstanding any other provision of this act, if a holder receives a notice or order to withhold issued by another state, the holder shall apply the income withholding law of the state of the obligor’s principal place of employment in determining:

- “(1) The holder’s fee for processing the notice or order to withhold;
- “(2) The maximum amount permitted to be withheld from the obligor’s income;
- “(3) The time periods within which the holder must implement the withholding and forward the support payment;
- “(4) The priorities for withholding and allocating income withheld for multiple support obligees; and
- “(5) Any withholding terms or conditions not specified in the notice or order to withhold.”.

(n) Section 14 (D.C. Official Code § 46-213) is amended as follows:

Note,
§ 46-213

(1) Subsection (a) is amended as follows:

(A) Strike the phrase “income or other earnings” and insert the phrase

“earnings or other income” in its place.

(B) Strike the phrase “obligor,” and insert the phrase “obligor, obligee,” in its place.

(C) Strike the phrase “responsible relative,”.

(2) Subsection (b) is amended by striking the phrase “failure to withhold” and inserting the phrase “failure to withhold or make payment” in its place.

(o) Section 15 (D.C. Official Code § 46-214) is amended to read as follows:

Note,
§ 46-214

“Sec. 15. Termination of withholding.

“(a) Withholding shall terminate:

“(1) When the support obligation has been terminated and the total arrearage has been satisfied;

“(2) When the holder, by reason of termination of employment or other reason, no longer holds earnings or other income payable to the obligor;

“(3) When the payee has failed to give notice to the Court and the IV-D agency of a change of address as required by section 27b, and the holder receives written notice from the Court or the IV-D agency that withholding is no longer required; or

“(4) When the holder receives written notice from the Court or the IV-D agency that withholding is no longer required based on information received from another jurisdiction.

“(b) The Court shall provide the IV-D agency with a copy of each notice of termination it issues to a holder within 2 business days after issuance.

“(c) If, because of the failure of a payee to give notice to the Court and the IV-D agency of a change in address as required by section 27b, the Collection and Disbursement Unit is unable, for a 3-month period, to deliver payments received pursuant to a notice or order to withhold, the IV-D agency shall send written notice to the holder to cease the withholding. The Collection and Disbursement Unit shall prorate and apply the undeliverable payments to satisfy amounts the obligor owes under other support orders, and shall prioritize these payments in accordance with section 18. If the obligor does not owe support under an additional support order, the Collection and Disbursement Unit shall apply the payments to any fees or debts owed to the IV-D agency and return the balance of the undeliverable payments, if any, to the obligor.”.

(p) Section 16 (D.C. Official Code § 46-215) is amended by striking the phrase “of withholding issued by the Court” and inserting the phrase “to withhold issued by the IV-D agency” in its place.

Note,
§ 46-215

(q) Section 17 (D.C. Official Code § 46-216) is amended as follows:

Note,
§ 46-216

(1) Subsection (a) is amended by striking the word “Court” and inserting the phrase “IV-D agency” in its place.

(2) Subsection (b) is amended to read as follows:

“(b) The IV-D agency shall serve an order to withhold on the obligor’s new employer within 2 business days after receipt of information regarding the obligor’s new place of employment, or within 2 business days after the date information regarding the obligor is

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entered into the District of Columbia Directory of New Hires pursuant to section 27f, whichever occurs first.”

(r) Section 18(b) (D.C. Official Code § 46-217(b)) is amended to read as follows:

Note,
§ 46-217

“(b) If current support payments do not exceed the limits of section 303(b) of the Consumer Credit Protection Act, the Collection and Disbursement Unit shall prorate payments toward health insurance coverage, medical support, arrearages, and other costs and fees among the orders and prioritize these payments in accordance with section 108 of the Medical Support Establishment and Enforcement Amendment Act of 2004, effective March 30, 2004 (D.C. Law 15-130; D.C. Official Code § 46-251.08), and applicable federal requirements.”

(s) Section 19 (D.C. Official Code § 46-218) is amended to read as follows:

Note,
§ 46-218

“Sec. 19. Voluntary income withholding.

“(a) An obligor may obtain voluntary income withholding by filing with the IV-D agency a request for withholding and, if the support order is from another jurisdiction, a certified copy of the support order.

“(b) Upon receipt of a request under subsection (a) of this section, the IV-D agency shall serve an order to withhold on the holder specified in the obligor’s request. Payments shall be made through the Collection and Disbursement Unit.”

(t) Section 20 (D.C. Official Code § 46-219) is amended as follows:

Note,
§ 46-219

(1) Subsection (a) is amended as follows:

(A) Strike the phrase “employee or” wherever it appears.

(B) Strike the word “child” after the phrase “purposes of paying”.

(2) Subsection (b) is amended by striking the phrase “the notice to the holder pursuant to section 12,” and inserting the phrase “a notice or order to withhold,” in its place.

(3) Subsection (d) is amended by striking the word “child” after the phrase “duty of”.

(u) Section 21 (D.C. Official Code § 46-220) is amended by striking the word “order” after the phrase “satisfy the withholding”.

Note,
§ 46-220

(v) Section 22 (D.C. Official Code § 46-221) is amended by striking the phrase “notice of withholding” and inserting the phrase “notice or order to withhold” in its place.

Note,
§ 46-221

(w) Section 23 (D.C. Official Code § 46-222) is amended to read as follows:

Note,
§ 46-222

“Sec. 23. Interstate withholding.

“(a) Upon receipt of notice from another state that withholding is required to enforce a support order, including all documents and information necessary to carry out the withholding, the IV-D agency shall implement the withholding in accordance with section 8a.

“(b) If the IV-D agency determines that the obligor is no longer employed in the District of Columbia, the IV-D agency shall provide the initiating jurisdiction with the name and address of the obligor and the obligor’s new employer, if known.

“(c) The IV-D agency, upon receiving a certified copy of a modification of a support order entered or registered in the District of Columbia, shall initiate necessary procedures to

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amend or modify a withholding that is based on the support order that has been modified.”.

(x) Section 24 (D.C. Official Code § 46-223) is amended to read as follows:

Note,
§ 46-223

“Sec. 24. Initiation of withholding in other jurisdictions.

“(a) When an obligor under a support order derives income in another jurisdiction, the IV-D agency, the Court, or any other appropriate person or entity may serve a notice or order to withhold on a holder in the jurisdiction where the obligor receives income.

“(b) In any case being enforced by the IV-D agency pursuant to title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C.S. § 651 *et seq.*), where the IV-D agency determines that the obligor derives income in another jurisdiction and that interstate withholding is necessary to enforce the support order, the IV-D agency shall, within 20 days of this determination, notify the IV-D agency in the jurisdiction in which the obligor derives income to implement interstate withholding. The notice shall include all information necessary to carry out the withholding, including:

“(1) The amount requested to be withheld;

“(2) A copy of the support order with all modifications; and

“(3) A statement of arrears, if appropriate.”.

(y) Section 25(c) (D.C. Official Code § 46-224(c)) is amended by striking the phrase “subsection (a)” and inserting the phrase “subsection (b)” in its place.

Note,
§ 46-224

(z) Section 25b (D.C. Official Code § 46-224.02) is amended to read as follows:

Note,
§ 46-224.02

“Sec. 25b. Parent locator service.

“(a) The IV-D agency is established as the District’s centralized Parent Locator Service to locate parents of children in need of support.

“(b) An officer or employee of the District shall cooperate with the IV-D agency to determine the location of a parent who is not supporting his or her child. The officer or employee shall provide any pertinent information that relates to the location, income, or property of a parent, notwithstanding any District statute, ordinance, or rule that makes the information confidential.

“(c) A company, corporation, partnership, association, union, organization, or entity doing business in the District shall provide the IV-D agency with the following available information, if the IV-D agency certifies that the information shall be used to locate a parent of a child in need of support and that the information obtained will be treated as confidential by the IV-D agency unless the parent’s name is published or reported to a consumer credit reporting agency pursuant to section 26:

“(1) Full name of the parent;

“(2) Name and address of the parent’s employer;

“(3) Social security number of the parent;

“(4) Date of birth of the parent;

“(5) Home address of the parent;

“(6) Amount of wages earned by the parent; and

“(7) Number of dependents claimed by the parent on state and federal income withholding forms.

“(d) A person may not knowingly refuse to give the IV-D agency information that will assist the IV-D agency in locating the parent of a child.

“(e) A person who knowingly refuses to provide information or provides false information that has been requested pursuant to subsection (c) of this section, upon conviction, shall be imprisoned for not more than 3 months, fined not more than \$1,000, or both.”.

(aa) Section 26b (D.C. Official Code § 46-225.02) is amended to read as follows:

“Sec. 26b. Criminal contempt remedy for failure to pay child support.

Note,
§ 46-225.02

“(a) The Mayor or a party who has a legal claim to child support may initiate a criminal contempt action for failure to pay the support by filing a motion in the civil action in which the support order was established.

“(b)(1) Upon a finding by the Court that an obligor has willfully failed to obey a lawful support order, the Court may:

“(A) Commit the obligor to jail for a term not to exceed 180 days;

“(B) Order the obligor to participate in a rehabilitative program, if the Court determines that participation would assist the obligor in complying with the support order and access to such program is available;

“(C) Order the obligor to accept appropriate available employment or participate in job search and placement activities; or

“(D) Place the obligor on probation under such conditions as the Court may determine and in accordance with the provisions of the criminal procedure law.

“(2) The Court may direct that an obligor's commitment may be served upon certain specified days or parts of days. The Court may suspend all or part of a sentence and may, at any time within the term of the sentence, revoke the suspension and commit the obligor for the remainder of the original sentence. A period of commitment shall not prevent the Court from committing the obligor for a subsequent failure to comply with a support order.

“(3) For the purposes of paragraph (1)(B) of this subsection, the term "rehabilitative program" shall include work preparation and skill programs, non-residential alcohol and substance abuse programs, and educational programs.

“(c) The Court shall order the obligor to pay the petitioner's attorney's fees as well as court costs, unless good cause can be demonstrated on the record against this result.

“(d) For purposes of this section, failure to pay child support, as ordered, shall constitute prima facie evidence of a willful violation. This presumption may be rebutted if the obligor was incarcerated, hospitalized, or disabled during the period of nonsupport. These circumstances do not constitute an exhaustive list of circumstances that may be used to rebut the presumption of willfulness.

“(e) The Court shall not deny a request for relief pursuant to this section unless the facts and circumstances constituting the reasons for its determination are set forth in a written

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memorandum of decision.”.

(bb) Section 27 (D.C. Official Code § 46-226) is amended as follows:

Note,
§ 46-226

(1) Subsection (a) is amended by striking the phrase “notice of income withholding,” and inserting the phrase “notice or order to withhold,” in its place.

(2) Subsection (b) is amended by striking the phrase “an income withholding notice” and inserting the phrase “a notice or order to withhold” in its place.

(cc) Section 27c (D.C. Official Code § 46-226.03) is amended as follows:

Note,
§ 46-226.03

(1) Subsection (a) is amended as follows:

(A) Paragraph (2) is amended by inserting a comma after the word “company”.

(B) Paragraph (4)(H) is amended by striking the phrase “Department of Public Works, Bureau of Motor Vehicle Services;” and inserting the phrase “Department of Motor Vehicles;” in its place.

(C) Paragraph (6) is amended to read as follows:

“(6) Order income withholding, including the amount of periodic support payments and any additional amount for health insurance coverage, medical support, overdue support payments, and other costs or fees required under a support order;”.

(2) Subsection (b) is amended by striking the period at the end and inserting the phrase “, except that the IV-D agency shall provide notice of withholding to the obligor only as required pursuant to section 10.” in its place.

(3) Subsection (c) is amended by adding the sentence “This subsection shall not apply to IV-D agency actions related to the withholding of earnings or other income under this act.” at the end.

(4) Subsection (e) is amended as follows:

(A) Strike the phrase “Family Division of the Superior” in the first sentence.

(B) Strike the word “Superior” wherever it appears in the third sentence.

(5) Subsection (f) is amended by striking the word “Superior” wherever it appears.

(dd) Section 27f (D.C. Official Code § 46-226.06) is amended as follows:

Note,
§ 46-226.06

(1) Subsection (f) is amended to read as follows:

“(f) Within 2 business days after the date a report under subsection (b) of this section is entered into the District of Columbia Directory of New Hires, the IV-D agency shall transmit an order to withhold to the employer in accordance with this act, unless the employee's income is not subject to withholding.”.

(2) Subsection (i) is amended by adding the phrase “of the District of Columbia” after the phrase “Superior Court”.

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(ee) Section 27g(a) (D.C. Official Code § 46-226.07(a)) is amended by striking the sentence "For the purposes of this section, the term "business day" means a day on which District government offices are open for regular business."

Note,
§ 46-226.07

(ff) Section 27i (D.C. Official Code § 46-226.09) is amended as follows:

Note,
§ 46-226.09

(1) Strike the phrase "assistance under TANF" and insert the phrase "public assistance" in its place.

(2) Strike the word "Superior".

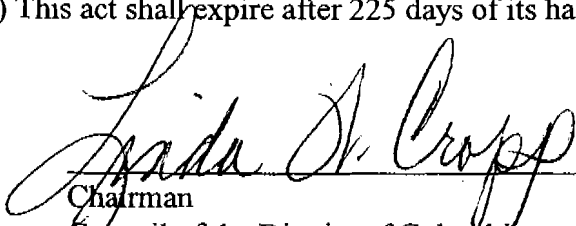
Sec. 4. Fiscal impact statement.

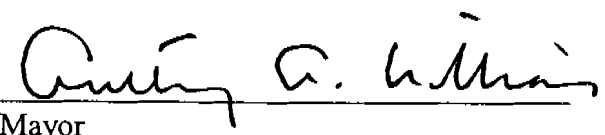
The Council adopts the June 20, 2005 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.


Chairman
Council of the District of Columbia


Mayor

District of Columbia

APPROVED

October 4, 2005